

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JCDECAUX AIRPORT, INC. and MIAMI
AIRPORT CONCESSION LLC,

Plaintiffs,

- against -

MEMORANDUM AND ORDER

TOM SAWYER PRODUCTIONS, INC.
d/b/a TOM SAWYER COMPANY,
INTERACTIVE AIRPORT ADVERTISING,
LLC, and CAROLYN SAWYER,

16 Civ. 5067 (NRB)

Defendants.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

On February 11, 2020, this Court issued a Memorandum and Order addressing plaintiffs' motion for sanctions which was granted in part (i.e. dismissing defendants' counterclaim under both Fed. R. Civ. P. 37(b)(2) and 41(b)) and denied in part. Plaintiffs were also awarded \$12,500 in attorneys' fees. The aspect of the sanctions motion that was denied was a request for the entry of a default judgment against the individual defendant, Carolyn Sawyer ("Sawyer"). While there was no doubt that defendants had not participated in the discovery process in a manner sufficient to avoid sanctions, we expressed concern about whether the operative complaint sufficiently alleged a basis upon which to hold Sawyer personally liable. The Court also granted plaintiffs' motion to order Sawyer's deposition on a date certain. In fact, in footnote 6 of the opinion we specifically noted the relationship between

Sawyer's deposition and the ability of plaintiffs to maintain a case against her individually, namely, the information that might be learned from her deposition.

Despite the Court's explicit warning that "severe consequences" would follow any failure to comply with the directions in the February 11, 2020 Memorandum and Order, Sawyer did not appear for her scheduled deposition nor was the ordered attorney's fee award paid. Consequently, on March 16, 2020, this Court issued an Order to Show Cause directing defendants to show cause within three (3) days from the entry of the order "why a default judgment should not be entered for plaintiffs on all claims asserted in their amended complaint."

Defendants have totally failed to show any cause why a default judgment should not be entered in favor of plaintiffs on all counts of their amended complaint. Therefore, the Clerk of the Court is directed to enter judgment in the sum of \$672,196.26 as sought in the amended complaint plus \$12,500 as ordered in the February 11, 2020 Memorandum and Order, for a total sum of \$684,696.26, in favor of plaintiffs and against all defendants and close the case.

SO ORDERED.

Dated: New York, New York
March 23, 2020



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE